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DEPARTMENT OF BUSINESS AND INDUSTRY  
**LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT  
RELATIONS BOARD**

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May 17, 2016

**MINUTES OF THE WORKSHOP TO SOLICIT COMMENTS FOR NEW  
REGULATIONS OR CHANGES TO EXISTING REGULATIONS PERTAINING TO  
THE PRACTICE AND PROCEDURE BEFORE THE EMRB**

A workshop of the Local Government Employee-Management Relations Board, properly noticed and posted pursuant to the Nevada Open Meeting Law, was held on Tuesday, May 17, 2016, at the hour of 2:30 p.m. at the Bradley Building, 2501 E. Sahara Avenue, Room 200, Las Vegas, Nevada 89104. The workshop was also video conferenced to the Department of Business and Industry Director's Office, 1830 College Parkway, Suite 100, Carson City, Nevada 89706.

The workshop was conducted by EMRB Commissioner Bruce K. Snyder. Also present representing the EMRB were Philip E. Larson, Chairman; Sandra Masters, Board Member; Marisu Romualdez Abellar, Executive Assistant and Board Secretary; Donald Bordelove, Esq., Deputy Attorney General; and Cammy Ha, Law Student Volunteer.

Present from the public were: Seth Floyd, Urban Law Firm  
Ron Dreher, P.O.R.A.N.  
Ian Satterfield, Local 3895, PFFN

The Agenda:

The meeting was called to order at 2:35 p.m. by Commissioner Snyder.

**Item 1 Public Comment.**  
No public comment was offered.

**Item 2 Changes to allow for the electronic service of documents filed with the agency.**

Commissioner Snyder explained that there had been a number of requests from the user community to allow for the electronic service of documents as an extension of the popular feature allowing for the electronic filing of those same

documents. He further explained that there is an opt-out feature in the regulation. Commissioner Snyder also mentioned that the word "certified" should be deleted from the third to the last line on page 2 of the proposal, inasmuch as the agency has never required documents to be sent via certified mail (other than the complaint) and that it was not the intent of these regulations to change that process for those that still want to mail documents when serving them on other parties to the case.

Those attending the meeting offered no comments on this proposed change.

**Item 3            Changes regarding the adoption of NRCP 6(a) and 6(e) for time computation.**

Commissioner Snyder explained that the topic of simplifying the time computation rules for determining the deadline to file documents after the complaint was discussed at the Open Forum in January. At that time a suggestion was made to simply adopt NRCP Rule 6. This proposed amendment does that.

Those attending the meeting offered no comments on this proposed change.

**Item 4            Changes to no longer require the inclusion of a party's address on a complaint.**

Commissioner Snyder explained that a suggestion was made at the Open Forum to no longer require that the addresses of the complainant and respondent be listed within the body of a complaint. The suggestion was made for security reasons, particularly when it comes to public safety employees. Commissioner Snyder mentioned that there really is no need to include the addresses as the agency already has the official addresses of all local governments and employee organizations through their annual filings and that it also has ready access to the addresses of the attorneys who practice before the agency.

Those attending the meeting offered no comments on this proposed change.

**Item 5            Changes prohibiting the attachment of documents to a complaint, answer, prehearing statement and/or petitions.**

Commissioner Snyder explained there has been an issue lately with certain attorneys attaching up to several hundred pages of documents to their complaints, answers and/or prehearing statements and that these documents become part of the administrative record, even though opposing counsel has not had an opportunity to contest their inclusion. In addition to the above, the purpose of the above documents is not to prove one's case but to give notice to others. It is thus proposed that such a practice be prohibited. He further noted that this would not affect documents related to motions, including oppositions, because there is the opportunity to contest their authenticity or relevance.

Commissioner Snyder then read an e-mail into the record from Sandra Lawrence of the Dyer Lawrence law firm. The body of the e-mail reads:

In looking at these potential change to the NAC, can you explain with some specificity why the Board wants a rule prohibiting attachments to complaints, answers or prehearing statements. That rule makes little sense to me. Complaints and pretrial statements in court actions have documents attached to them on a fairly regular basis.

I can think of several types of complaints and prehearing statements where attachments may be relevant. For example, if the claim is a unilateral alteration of provision in a CBA that employer did not bargain over, it would seem relevant that you would attach the excerpt of the CBA setting out that provision and how it was altered by the action of the employer. For further example where you have a case such as a declaratory ruling and you are arguing that the Board should adopt a prior decision of the Board or a court order on PJR that seems to apply to the same issue the Board is considering. I am not aware that other boards of an adjudicative nature prohibit attachments. In my opinion attachments particularly to prehearing statements are appropriate. The Board seems overly concerned with how the record would look if a PJR is eventually filed in a case.

Ron Dreher asked whether the proposal would prohibit the attaching of a current copy of the collective bargaining agreement to a Complaint. He also noted that the agency now has current copies of those documents on its website, but perhaps some may in the future become out-of-date. Commissioner Snyder stated that most complaints do not have such an attachment but that at a hearing attorneys usually have the relevant collective bargaining agreement as the first exhibit in their exhibit binder. Also, on a motion to dismiss or opposition thereto, a party could attach a copy of the collective bargaining agreement, if necessary, as nothing in this proposed regulation would prohibit it from doing so.

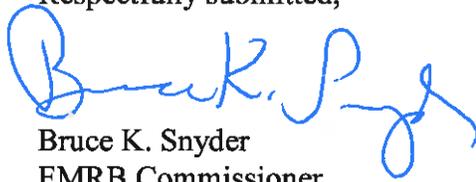
Ron Dreher also inquired about whether certain documents may be necessary in case the Board might dismiss a complaint outright. Commissioner Snyder stated that this has not been the case and that was advised by the prior Deputy Attorney General assigned to the agency that it did not have the authority to do so, and that a case needs to either have a hearing or be adjudicated pursuant to a motion to dismiss. Board Member Masters verified that there have been no outright dismissals. Given that, Mr. Dreher stated it did not seem then to be a problem.

(cont'd on next page)

**Item 6**      **Additional Period of Public Comment.**  
No public comment was offered.

The workshop adjourned at 2:56 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Bruce K. Snyder", is written over the typed name.

Bruce K. Snyder  
EMRB Commissioner